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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Minami MATSUI et al. Group Art Unit : 1638

Appl. No. : 10/586,052 Examiner : C. K. Worley
(U.S. National Phase of PCT/JP2005/000283)

I.A. Filed : January 13, 2005 Confirmation No. : 2446

For : IRES FUNCTIONING IN PLANT

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and supplemental to the Information Disclosure Statements that were previously filed on April 16, 2007 and November 14, 2006, Applicants hereby bring to the attention of the Examiner a European Office Action dated June 4, 2008 with respect to patent family member European Patent Application No. 05703522.2, in which the following documents were cited:

- (1) AKBERGENOV et al., "ARC-1, A Sequence Element Complementary To an Internal 18S rRNA segment, enhances translation efficiency in plants when present in the Leader or Intercistronic Region of mRNAs," *Nucleic Acids Res.*, Vol. 32, No. 1, pp. 239-247 (January 12, 2004), XP002987978;
- (2) EP 1033405 A; and

(3) ABBOTT et al., "The Sequence of Homo Sapiens BAC clone RP11-791G15," EMBL Sequence Database, EBI (Online), Accession Number: AC092687, July 25, 2001.

The relevance of these documents, as ascertained with respect to the European claims by the European Examiner, is set forth in the European Office Action.

Applicants note that above-noted document (1) was previously cited in the Information Disclosure Statement of November 14, 2006, and thus, a copy of this document is not provided herewith.

Applicants respectfully request that the Examiner consider the above material and cite the same. Copies of the above-noted documents (2) and (3) are attached hereto, and are listed on an attached Form PTO-1449. A copy of the European Office Action is also attached hereto. The Examiner is requested to initial the appropriate spaces on the attached Form, and to return a copy of the completed Form to Applicants with the next official communication in the present application.

Applicants note that this Supplemental Information Disclosure Statement is being submitted subsequent to the issuance of a Non-Final Office Action on the merits, but before the issuance of a Final Office Action on the merits. In accordance with 37 C.F.R. §1.97(d), Applicants hereby certify that each new item of information contained in the Information Disclosure Statement (i.e., above-noted documents (2) and (3)) was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Thus no fee is believed necessary to ensure consideration of the submitted material.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Minami MATSUI et al.

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July 16, 2008
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